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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/431,366	11/01/1999	DAVID BAGGETT	09765/018001	8583

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EXAMINER

HOMERE, JEAN RAYMOND

ART UNIT PAPER NUMBER

2177

DATE MAILED: 12/10/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/431,366

Applicant(s)

Baggett et al.

Examiner

Homere

Group Art Unit

2177

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Response

A SHORTENED STATUTORY PERIOD FOR RESPONSE IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a response be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for response is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to respond within the set or extended period for response will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 10/01/02
- ☒ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-32 is/are pending in the application.
- Of the above claim(s) None is/are withdrawn from consideration.
- ☐ Claim(s) is/are allowed.
- ☒ Claim(s) 1-32 is/are rejected.
- ☐ Claim(s) is/are objected to.
- ☐ Claim(s) are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_.

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of References Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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**DETAILED ACTION**

***Response to Amendment***

1. Applicant's arguments filed on 10/01/02 have been fully considered but they are not persuasive.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. ("Walker"), US. Patent No. 5,897,620 in view of Bierma et al. ("Bierma"), U.S. Patent No. 5,758,149, supplied by applicants in IDS, paper no.4.

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As to claims 1 and 5, Walker substantially discloses the invention including a data processing system for determining the availability of seats in a particular airline flight (col. 6, lines 1-4 et seq). In particular, Walker's system provides a travel agent that determines whether entries for seat availability in the database are *current* such that the agent can transmit a query to an airline with available seats to thereby reserve a seat on behalf of the agent's customer (col. 6, lines 4-15; col. 9, lines 2-5 et seq). Walker does not particularly disclose a cache for maintaining the entries for seat availability of airlines companies. However, Bierma discloses an analogous system that teaches the step of storing and maintaining in a cache most recently updated data concerning airline seat availability (col.1, lines 41-46; col.3, lines 27-32 et seq). It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of the cited references. Bierma's teaching of caches would allow travel agents of Walker's system to readily and expeditiously access on-line and up-to-date information regarding seat availability for a particular airline without overloading and overburdening the system.

As to claim 2, Walker discloses the step of querying the travel planning system to monitor the seating availability in flights for certain day, date (col. 5, lines 54-63 et seq).

As to claims 3-4, Walker discloses the step of updating the RMS database to reflect therein the current state of seat availability and customers demand for seating in a particular flight (col. 14, lines 47-62 et seq).

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4. The limitations of claims 6-32 have already been addressed in the rejection of claims 1-5 above. They are therefore rejected on similar grounds.

***Remarks***

Applicants argue that neither Walker nor Bierma teaches separately or in combination the step of determining based on a criterion for availability information whether a stored answer in the cache is stale to thereby send an availability query to a source of availability information for an airline based on the determination that the answer was stale. In response to the preceding arguments, the Examiner respectfully reiterates that, as indicated in the last office action, Walker's teachings are limited to a determination of available flights retrieved from a database that maintains up-to date representations of the available inventory for actual flights and special fares listings based on user's input criteria (col. 9, lines 1-5 et seq). It was also conceded that Walker does not teach such determination in a cache. Bierma was then relied upon to complement Walker as Bierma suggests that a cache can be used for storing and maintaining data for seat availability. In particular, Bierma indicates that the caching device can be used to provide the most recent updates to the database (column 3, lines 49-52 et seq). Consequently, it was concluded that the ordinary skilled artisan at the time of the invention would have found it obvious to combine the teachings of Walker and Bierma to yield the claimed determining seat availability in an airline. The Walker-Bierma combination addresses the problem sought to be resolved by the present invention, namely, avoiding the unnecessary querying of an airline's

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availability system for airline availability information by maintaining only recently updated data in the cache, thereby implicitly managing stale data by keeping it out of the caching device.

Clearly, Applicants' attack of the Walker-Bierma combination as being improper is not founded since Bierma suggests that a cache can be used to maintain the kinds of airline information stored in Walker's database. Applicants seem to fail to appreciate the equivalency that exists between the maintenance of only up-to date seating availability information in Walker's database and Bierma's cache and the present invention's claimed determination of stale data such that the system may send only current seat availability information to the user. Applicants should therefore bear in mind that it is implicit in Bierma that before seat availability information is updated in the cache, a determination is made that any data pre-existing therein are stale. Consequently, Bierma does teach the missing limitation. In light of the foregoing arguments, the 35 USC 103 rejection is hereby sustained.

### ***Conclusion***

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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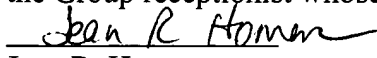
will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean R. Homere whose telephone number is (703)-308-6647. The examiner can normally be reached on Monday-Friday from 09:30 a.m.-6:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene, can be reached on Monday-Friday from 8:00 a.m. to 3:30 p.m. at (703)-305-9790.

**Any response to this action should be mailed to:** Commissioner of Patents and Trademarks Washington, D.C. 20231, **or faxed to:** (703) 746-7239, (for formal communications intended for entry), **or faxed to:** (703) 746-7238, (for after final communications intended for entry), **Or:** (703) 746-7240 (for informal or draft communications, please label "PROPOSED" or "DRAFT"). Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

  
Jean R. Homere  
Primary Examiner, A.U. 2177  
December 3, 2002